

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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P&F USA, INC.,

Plaintiff,

-v-

No. 17 CV 8084-LTS-DCF

GIBSON INNOVATIONS, LTD. et al.,

Defendants.

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ORDER

In its status report dated December 1, 2020, Plaintiff P&F USA, Inc. (“Plaintiff”), confirmed that its litigation has been resolved as against Defendant Gibson Innovations USA, Inc., and that it wishes to discontinue its claims against Defendant Gibson Innovations Ltd. (“Gibson Ltd.”), which has filed counterclaims against Plaintiff in this case, but has been unresponsive to Plaintiff’s outreach attempts. (See docket entry no. 47). On December 8, 2020, in order to facilitate the resolution of the remaining aspects of this case, the Court directed Gibson Ltd. to file a statement by January 8, 2021, as to whether it intends to move forward on its counterclaims. (See docket entry no. 48, the “Order”.) The Court stated in its Order that, if no timely statement is filed, Gibson Ltd.’s counterclaims will be dismissed with prejudice for failure to prosecute, without further advance notice. (Id.) On December 10, 2020, counsel for Plaintiff certified that he caused a copy of the Order to be served by mail and electronic mail correspondence upon Gibson Ltd. (See docket entry no. 49.)

In light of Gibson Ltd.’s failure to file a timely statement addressing its intention to further pursue its counterclaims against Plaintiff, the Court hereby dismisses Gibson Ltd.’s

counterclaims against Plaintiff with prejudice for failure to prosecute. The Court further dismisses Plaintiff's claims against Gibson Ltd. pursuant to Federal Rule of Civil Procedure 41(a)(2). The Clerk of Court is hereby directed to close this case.

SO ORDERED.

Dated: New York, New York
February 9, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge